

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 11th November, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

CLOSURE OF TASIA COFFEE ESTATES

Mr. Kabogo: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Tasia Coffee Estates closed down as from June 2010 and that all workers have not been paid their dues up to date?

(b) Why have the former workers at Tasia Coffee Estates, most of whom worked as permanent employees, been dismissed without any notice as required by law and when will they be paid their terminal dues?

(c) Why has the management of the farm been evicting the workers who have been living in the staff houses for over a decade?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Tasia Coffee Estates changed hands as from 30th June, 2010 and was subdivided into plots.

(b) The former workers of Tasia Coffee Estates were composed of 43 permanent employees and 88 seasonal employees who are members of the Kenya Plantation and Agricultural Workers Union. The 43 permanent employees were paid service gratuity, leave and notices while the rest who were on contract basis were entitled to *pro rata* leave which was paid along with their wages as at 30th June, 2010 when their contract ended.

(c) Tasia Coffee Estates management has not been evicting the workers from the staff quarters. In accordance with the Collective Bargaining Agreement (CBA), the workers were given 30 days notice in June to relocate from the staff quarters as the estate had been handed over to the purchaser.

Mr. Kabogo: Mr. Speaker, Sir, while I thank the Assistant Minister for that answer, it is not true that these workers are permanently employed. We are talking about people who have worked in this farm for over 15 years and yet they are being called casual workers. Is the Assistant Minister in order to mislead this House? Those people worked for Tasia Coffee Estates. Yesterday, I spoke to the hon. Member of the House who is the owner of Tasia. He said that if there is anyone who has not been paid, he is willing to come out and pay them and yet the Assistant Minister has said that they were

not permanent employees. I have a list of the people who were not paid. Could the Assistant Minister confirm that this list comprises of Kenyan employees who have worked for over 10 years and yet they are being evicted from their houses without due process and without being paid?

(Mr. Kabogo laid the document on the Table)

Mr. Speaker: Very well! The hon. Member for Juja, as I directed yesterday, please use Question Time to ask questions. You should have dealt with that question very simply: Is the Assistant Minister in order to mislead the House when in fact this list of persons contains employees who have not been paid? It is as simple as that!

Mr. Kabogo: Mr. Speaker, Sir, I am directed.

Mr. Speaker: Please!

Mr. Ojaamong: Mr. Speaker, Sir, I had categorized the employees into two. The permanent ones were fully paid. We had the seasonal ones who had contracts which were ending after every three months. They were also paid because their contracts coincided with the closure of the company. However, I have said that in case these employees have any grievances, they can report to our Labour Officer so that we can look at them.

Mr. Speaker: Order, Mr. Assistant Minister! The hon. Member has tabled a list of names and he has said that those people have not been paid. Are you able to say whether or not they have been paid? There is a list. If you need time just say that you need time to attend to it.

Mr. Ojaamong: Mr. Speaker, Sir, in part “c” of my answer, I have said that these people were paid as per their contract. However, if they have not been paid, the hon. Member can submit the list so that we can look at it afresh. As far as we are concerned, all the 88 seasonal employees were paid as per the three months contract.

Mr. Baiya: On a point of order, Mr. Speaker, Sir. A list of employees has been tabled for the Assistant Minister to see and confirm whether or not those people have been employees and whether they have been paid. Is he in order to evade responding to that question?

Mr. Speaker: Order, Mr. Assistant Minister! I think that is legitimate. There is a list containing 28 names which has been tabled by the Member for Juja. He has indicated that the list is from the company which used to employ them. So, you will have to acquaint yourself with the list. Mr. Assistant Minister, carry out the necessary investigations. I will defer this Question until Wednesday, next week at 2.30 p.m. so that you can come and confirm to the House whether or not these persons were employees and if so, if they have been paid.

Mr. Ojaamong: Mr. Speaker, Sir, considering that it is a Question by Private Notice, I accept.

Mr. Speaker: Yes, indeed. The Member for Juja, please, be guided accordingly. You will return on Wednesday at 2.30 p.m. to ascertain if the Assistant Minister will give a satisfactory answer.

Mr. Kabogo: Mr. Speaker, Sir, while I thank you, I have documents from the NSSF that I would like to table in addition to that list. This will guide the Assistant Minister.

Mr. Speaker: If that is useful to the Assistant Minister, please, table them.

(Mr. Kabogo laid the documents on the Table)

UPSURGE OF INSECURITY IN KIMILILI

Dr. Eseli: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that over 20 people have been injured through thuggery in the residential areas of Kimilili Township in Kimilili Constituency in the last three months?

(b) Is the Minister further aware that at least one person is killed by criminals every month at Brigodia Market over the past four months?

(c) How many people have been arrested over the above criminal acts and what action is the Minister taking to restore security in Kimilili Constituency particularly Kimilili town, Brigodia Market and its environs?

Mr. Speaker: Is anyone here from the Ministry of State for Provincial Administration and Internal Security? We will revisit the Question a little later.

ORAL ANSWERS TO QUESTIONS

Question No.510

ISSUANCE OF NEW IDS IN COAST PROVINCE

Mr. Speaker: Is Mr. Sheikh Dor not here! Now that we gave benefit to the Minister, we will treat the hon. Member similarly.

Question No.307

RATIONALE FOR AWARDING BURSARIES TO BOARDING STUDENTS

Mr. K. Kilonzo asked the Minister for Education:-

(a) whether he is aware that Government bursaries are awarded to students in boarding schools only and, if so, what is the rationale; and

(b) what the Ministry is doing to ensure that all students benefit from bursaries.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Government bursaries are awarded to students in boarding schools only. The rationale is that in January 2008, the Government implemented Free Day Secondary Education where all students' tuition fees are met by the Government at the rate of Kshs10,265 per student per year. Indeed, this amount forms the bulk of the fees required for day scholars. Boarders on the other hand have to meet substantial amounts of boarding fees. Therefore, the Bursary Management Guidelines in force target them exclusively. In addition, with the introduction of Free Day Secondary Education,

budgetary allocation for the Bursary Fund was reduced from Kshs800 million to Kshs500 million per year, which called for the revision of the eligibility criteria.

(b) The Ministry cannot guarantee that all students will benefit from the bursary as the budgetary allocation of Kshs500 million per year is insufficient. However, the Ministry will in the 2011/2012 Financial Year revise the management guidelines on the distribution of the funds to the needy students.

Mr. K. Kilonzo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for that answer. However, I want to remind him that the bulk of needy students are mainly orphans who have performed very well and they deserve to go to boarding schools. They, however, end up in day schools. For instance, in Mutito Constituency which I represent, there are 17 day schools whose majority of students are orphans and their guardians cannot afford boarding schools. Those students will go home if the Ministry denies them this bursary. Could the Assistant Minister revise the guidelines as he has promised in this House to include the needy students and orphans who are in day schools to benefit from this kitty?

Prof. Olweny: Mr. Speaker, Sir, we know that there are other funds which can also help in meeting the education needs of our children. We have the CDF money. There is room for bursary in the CDF. Some CDF money can also be used for bursaries. All the same, the latest guidelines from the Ministry of Education indicated that focus should be on needy students in boarding secondary schools. However, this does not prevent the Constituency Bursary Committee (CBC) from allocating funds to any needy case like the one the hon. Member has talked about. If you look at the guidelines and the application form, you will realise that they do not say that you are prevented from giving money to day scholars. We only say that the focus or priority should be given to students in boarding schools.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. The written answer seems to contradict what the Assistant Minister says in his explanation. Could he be categorical and state whether needy students who attend day school can get bursary funds or not? Should we go by the written answer he has read to the House?

Prof. Olweny: Mr. Speaker, Sir, like my colleague, I also have bursary from the CDF. I want to refer my colleague to a circular that was written to all the District Education Offices in January, 2008 where we said that the bursary will target needy students in boarding secondary schools. The circular did not say that we leave out the other group. It is neither mandatory nor a must.

Mr. Mwangi: Mr. Speaker, Sir, while I agree with the Assistant Minister, the purpose of giving bursaries and other assistance to our secondary school students is to enable them access education which this Government and country acknowledges. However, it is difficult to understand why the Ministry would give directives that would deny clever children in our secondary schools access to education just because they were not admitted into boarding schools. Education for all is not meant for boarders only. It is meant for children in our secondary schools, universally. Could the Assistant Minister then consider issuing another circular which does not discriminate against our children in secondary schools who are poor and needy?

Prof. Olweny: Mr. Speaker, Sir, the Free Day Secondary School Funds amount to slightly over Kshs10,000. That is the tuition fees that the Government pays for day scholars. So, if anybody talks of access to education, today, any Kenyan child cannot be

denied an opportunity to go to school. This is because if the child goes to a day school, the Government takes care of the full tuition fees. If the child goes to a boarding school, then he or she is given tuition fees plus a little of the boarding funds. I do not understand how my colleague can claim that access to education is being denied to Kenyan children while all that money is available.

Dr. Khalwale: Mr. Speaker, Sir, the Assistant Minister has told us that the Free Day Secondary Education portion of Kshs10,265 forms the bulk of the school fees in day schools. Could he direct that day secondary schools should pay a specific amount of school fees? This is because as soon as Free Secondary Education was brought in, some rogue heads of schools went ahead to raise the school fees to the extent that even after the Kshs10,265 was availed, poor parents were left with no option but to have their children drop out. Could the Assistant Minister direct the schools fees that they should charge uniformly across the country and ensure that they adhere to it?

Prof. Olweny: Mr. Speaker, Sir, the fees that my colleagues are talking about is what has been decided by the Parents Teachers Associations (PTAs). In most cases, that money just caters for lunch. The money varies from one school to another. In some schools, it is Kshs1,000 per term per student. In other schools they have made it Kshs2,000. So, this amount varies from school to school and from constituency to constituency. This is because it is a PTA affair. However, if a student does not have money for lunch, he does not have to pay. That student also does not have to take lunch in school. There is no need for any other payment by students if tuition is taken care of by the Government. What else do they pay for? In my constituency, they pay a little money for lunch. They use the rest of the money to buy their uniform.

Mr. K. Kilonzo: Mr. Speaker, Sir, could the good professor ensure that in the revised guidelines, students in day schools who are needy are eligible for bursaries, so that the District Education Officers (DEOs) in other districts do not take advantage? In my constituency and the neighbouring constituency, we had to fight a lot because needy students in day schools were denied bursaries. Could he make it crystal clear that in the new guideline like he has promised, they will be eligible?

Prof. Olweny: Thank you, hon. K. Kilonzo, for referring to me as a good professor. Well, that will be taken care of. As I said, we will revise the guidelines because some of those issues have come up to us.

Question No.362

MEASURES TO ADDRESS UNEMPLOYMENT
AMONG YOUTH IN GATUNDU

Mr. Waibara asked the Minister for Youth Affairs and Sports:-

- (a) Whether he is aware that there are thousands of youths in Gatundu North Constituency who are either unskilled or unemployed;
- (b) What plans he has put in place to ensure that the issues are solved; and
- (c) What plans the Government has to ensure that a Resource Centre or a digital Village is put up in the constituency.

The Assistant Minister for Youth Affairs and Sports (Ms. Ndeti): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Gatundu North Constituency, just like many other constituencies in the country, has thousands of youths who are unskilled and unemployed.

(b) The Ministry has taken appropriate measures to curb this problem in Gatundu North Constituency. We have opened four youth polytechnics and equipped them. The courses that are being offered there are vocational and technical courses. We have also started the process of rehabilitating two other youth polytechnics for the same purpose. We have disbursed Kshs1,815,000 through Youth Enterprise Development Fund (YEDF) for starting youth owned enterprises. A further Kshs2.5 million has been allocated to the constituency. We have also allocated Kshs5.4 million to put up a youth empowerment centre in the constituency in the 2010/2011 Financial Year. We have also engaged the youth through implementation of the “trees for job” component of the *Kazi Kwa Vijana* Programme. An amount of Kshs1.4 million has been allocated this year for planting trees.

We have also carried out intensive training in entrepreneurship to equip the youth with knowledge, skills and attitude towards starting and running their own businesses.

We have also started a campaign across the constituency to educate the youth on the dangers of idleness and the importance of upholding work ethics.

(c) The Ministry has embarked on a programme to put an empowerment centre. As I have told you, a sum of Kshs5.4 million has been allocated.

Mr. Waibara: Mr. Speaker, Sir, I want to thank this Assistant Minister and her Ministry. However, which two youth polytechnics are under rehabilitation---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Please, lower the level of your consultations, so that we hear the Member for Gatundu North Constituency.

Mr. Waibara: Mr. Speaker, Sir, I want to thank the Assistant Minister and her Ministry. However, which two youth polytechnics are under rehabilitation and what are their allocated funds and when was the commencement date?

Ms. Ndeti: Mr. Speaker, Sir, first of all, I would like to tell the hon. Member the names of the four youth polytechnics that have received equipment. They are: Mang’u Youth Polytechnic, Kairi Youth Polytechnic, Gitwamba Youth Polytechnic and Bimbi Youth Polytechnic.

The other two that are being rehabilitated are Gakoi Youth Polytechnic and Kamunyaka Youth Polytechnic. As I said, the work should start in the 2010/2011 Financial Year.

Dr. Eseli: Mr. Speaker, Sir, I thank the Assistant Minister for her good answer. However, if you noticed, she seems to acknowledge that the youth lack entrepreneurial skills and now they are training them on those skills. What plans does the Ministry have in place to start training the youth before they leave schools and not to wait for them when they have left schools?

Ms. Ndeti: Mr. Speaker, Sir, when the youth are still in schools, it is the responsibility of the Ministry of Education to train them. We start training them once they finish school or drop out of schools.

We have established youth polytechnics all over the country. As you know, initially, they were referred to as village polytechnics. There are not village polytechnics any more. We have changed them to youth polytechnics. We have a new curriculum in those youth polytechnics. Once a student finishes the youth polytechnic course, he can join a technical university for a degree course. In those youth polytechnics, we are giving subsidized fees.

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to inform the House that we have technical universities when we do not have them?

Ms. Ndeti: Mr. Speaker, Sir, Mombasa and Nairobi youth polytechnics teach technical courses. We have polytechnics which have been converted into universities.

Hon. Members: *Endelea!*

Ms. Ndeti: *Niendelee?*

Mr. Speaker: Order, Assistant Minister! Please, address either the Chair or the House directly! As a matter of fact, you are done on that one.

Mr. Ochieng: Mr. Speaker, Sir, the Assistant Minister is talking about youth polytechnics. Is she aware that we have serious shortage of technical instructors in those youth polytechnics and when does she intend to equip them?

Ms. Ndeti: Mr. Speaker, Sir, in polytechnics, we have trainers who are employed by the Board of Governors (BOGs). Other trainers are employed by the Ministry.

We have about 700 trainers employed by the Ministry of Youth Affairs and Sports. We are embarking on recruiting more. We also pay a token to trainers who are employed by the BOGs. For example, if the BOG is paying them Kshs5,000. We also give them an additional Kshs4,000. However, we know we have a shortage and we are working on that.

Mr. Waibara: Mr. Speaker, Sir, given that the number of graduates in my constituency increases annually, what plans has the Assistant Minister put in place to ensure that they get job opportunities?

Ms. Ndeti: Mr. Speaker, Sir, we have the Youth Fund and we have increased the amount of money that we give to the constituencies. We encourage the youth to apply for the youth funds. We also provide them with training on entrepreneurial skills so that they can start their own businesses and even employ other youths.

Question No.373

RECARPETING OF MACHAKOS-KATHIANI ROAD

Dr. Munyaka asked the Minister for Roads:-

(a) Whether he is aware that the road linking Machakos Town to Kathiani Town through Iveti Hills is in a complete state of disrepair; and,

(b) what plans the Government has to urgently recarpet the Road.

The Minister for Roads (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the road linking Machakos Town and Kathiani Town through Iveti Hills is in need of repairs.

(b) My Ministry through the Kenya Rural Roads Authority has allocated Kshs70 million in this financial year to patch and seal the road. The procurement process is underway and we expect to have a contractor in the next three months. In the meantime, we have used Kshs370,000 on *Kazi kwa Vijana* programme to open drains and culverts. The works were done in the month of August. I also want to appreciate the Question because the road links two districts namely Machakos and Kathiani. Most of the road is in Kathiani and a bit of it is in Dr. Munyaka's area. I want to thank the Assistant Minister, Ms. Ndeti, because she has also been pursuing this matter which will come to an end as soon as the procurement process is concluded.

Dr. Munyaka: Mr. Speaker, Sir, I thank the Minister for assuring us that the road between Machakos and Kathiani will now get funds to be re-carpeted. However, I want the Minister to state the Government's policy on routine maintenance of constructed roads. I remember that this road was last tarmacked 25 years ago but it has been left and ignored until it reached a sorry state. Could he state the Government's policy on maintenance of constructed roads?

Mr. Bett: Mr. Speaker, Sir, I want to appreciate that question. We have now put in place a maintenance manual that indicates the inspection of every road. So, we intend to have an inspection team that will be on every road in the Republic to assess the condition of each road and, as and when it requires repairs, they are undertaken as a matter of urgency. We have been relying on our regional officers who are the district works officers. We are improving on this and we hope that it will bring a different face on our roads in future.

Dr. Munyaka: Mr. Speaker, Sir, I am satisfied with the answer.

Question No.466

REHABILITATION OF KISUMU-KAKAMEGA ROAD

Mr. Chanzu asked the Minister for Roads:-

(a) whether he could state the scope of the rehabilitation works for the Kisumu –Kakamega road;

(b) to state the contract value and completion dates of the works; and,

(c) whether he could consider rehabilitating Majengo – Luanda road which is currently in a deplorable state.

The Minister for Roads (Mr. Bett): Mr. Speaker, Sir, I beg to reply.

(a) The scope of rehabilitation works for the Kisumu-Kakamega Road which will also extend to Webuye consists mainly of:-

(i) removal and reinstatement of the failed road pavement to instructed depths;

(ii) repair of the base and sub-bases with stabilizing materials;

(iii) laying and application of asphalt concrete to potholes;

(iv) laying and application of regulation layer using asphalt concrete type 1;

(v) application of 35 mm type 1 as overlay, grading and/or reinstatement of shoulders where applicable; and,

(vi) opening and repairing of all the drainage systems to free-flowing conditions.

(b) The contract value of the works is Kshs321,589,758. The project commenced on June, 2010 and the expected completion date is June, 2011.

(c) My Ministry, through the Kenya National Highways Authority (KENHA) has set aside Kshs45 million this financial year for periodic maintenance of the Luanda-Majengo Road.

Mr. Chanzu: Mr. Speaker, Sir, I want to thank the Minister because this time round, the scope is slightly improved, more than what they did before. However, could he clarify whether the contract period of 12 months is only for the portion between Kisumu and Kakamega or Kisumu and Webuye because I find that to be too long for Kisumu and Kakamega.

Mr. Bett: Mr. Speaker, Sir, I agree with the hon. Member. The 12 months' period covers up to Webuye. I think my officers were anxious to give the period but we hope to speed up the work because the people of that area have suffered enough and we would like to give them comfort. I would also like to tell the hon. Member that a development partner, the World Bank, has agreed to support us on the rehabilitation of that road; that is rebuilding of the same afresh. At the moment, we are involved in negotiations and we hope to conclude that as quickly as possible for the rebuilding of the Kisumu-Kakamega-Kitale Road.

Mr. James Maina Kamau: Mr. Speaker, Sir, while I appreciate the good answers that our good Minister has continuously given to this House, I am disturbed when he gives some answers and no action follows. I asked a Question four months ago relating to the Ndakaini-Gichagine Road which was abandoned by a contractor. The good Minister gave an answer in this House which was very colourful. He said that he would look for a contractor nearby to do that road which is only four and a half kilometres. Up-to-date, nothing has been done on that road. Could he clarify on that?

Mr. Bett: Mr. Speaker, Sir, the only thing that I can do is to check with my office when I get back.

Mr. Speaker: Yes, the Member for Kisumu Town West! You were first on your feet and I know the hon. Member for Ikolomani is not amused!

Mr. Olago: Mr. Speaker, Sir, this is one of the three international highways that connect Kenya to Uganda and Sudan through Busia and Mombasa. It has two major link roads. The first one is Majengo-Luanda and the other one is Kiboswa-Daraja Mbili which, as I speak now, is in a very bad shape. Although I am glad to hear that the World Bank will partner with the Ministry to rebuild the road, what steps has the Ministry taken to rehabilitate the link road between Kiboswa and Daraja Mbili as a matter of urgency?

Mr. Bett: Mr. Speaker, Sir, I do not have the figures, but we have tried as much as possible to place maintenance funds in most of our roads. So, there is a likelihood that there is some money attached to that road either from the Kenya Rural Roads Authority (KERRA) or from the Kenya National Highways Authority (KENHA).

Dr. Khalwale: Mr. Speaker, Sir, the section between Kakamega and Kisumu was built in 1962 and the section between Kakamega and Webuye was built in 1972. What happens when the Treasury sits with donors or development partners? Why is it that over a period of 50 years, this road which is very important, has never received priority consideration from the Government so that a development partner can be involved? Eight years since the Kibaki Government came into power---. This is the same road that, when

the President was campaigning, he told the people that he was going to give it priority, but eight years later nothing has been done. His Government has been sitting with development partners. Why are you not considering this road and if you are still considering it, can you confirm that you are going to put funds for this road in the next financial year?

Mr. Bett: Mr. Speaker, Sir, you will appreciate that I volunteered information earlier on which my good friend, the honorable Member, Dr. Khalwale is asking for. I want to confirm that we have discussed with the development partners and they have agreed to partner with us for that road to be reconstructed afresh. I believe that the construction will begin when my good friend and I will still be in Parliament.

Mr. Chanzu: Mr. Speaker, Sir, the Minister has done very well in answering this Question, just like yesterday, when he gave an assurance about the Voi section of the road. I think there is a disconnect between the Minister's office and those who are charged with the responsibility of doing these projects. There is a lot of reluctance even if you look at the speed. For example, you put money on the Luanda Road and there is nothing happening. Is it possible for the Minister to give an assurance or to give an undertaking that he will tour this area so that he can see the problems that we are having within the shortest time possible?

Mr. Bett: Mr. Speaker, Sir, I will make every effort to tour as many roads as I can. I want to tell hon. Chanzu that not long ago, I was on that road and, for that reason, we confirmed the money we are putting aside for that road. We will try as much as possible knowing that we are minding 170,000 kilometers of our roads across the country. We will try our best.

Question No.403

SUBDIVISION OF L.R. KISUMU
MUNICIPALITY/BLOCK 13/22

Mr. Olago asked the Minister for Lands:-

(a) under what circumstances and on whose authority the Ministry subdivided L.R. No. KISUMU MUNICIPALITY/BLOCK 13/22, reserved for Joel Omino Primary and Secondary Schools, into parcel Nos. KSM MUN/BLOCK 13/10, KSM MUN/BLOCK 13/11, KSM MUN/BLOCK 13/12, KSM MUN/BLOCK 13/13, KSM MUN/BLOCK 13/14, KSM MUN/BLOCK 13/15 and KSM MUN/BLOCK 13/87;

(b) under what circumstances and on whose authority land parcel Nos. 10, 12 and 15 above were transferred to Hezekiah Nelson Oyugi, John Ongayo Kokwaro and Donald Joseph Okiro, respectively; and,

(c) what steps he is taking to cancel the irregular titles so that the original parcel of land reverts back to the schools as public land.

Mr. Olago: Mr. Speaker, Sir, before I sit down, may I kindly with your permission, say that the Minister for Lands did indicate to me that he was engaged in hospital over a patient and that he is not going to come. He asked that with your permission, this Question be stood over to either Tuesday or Wednesday afternoon.

Mr. Speaker: Did you assure him of your concurrence?

Mr. Olago: Mr. Speaker, Sir, I did assure the Minister that the issue of the grabbing of this land for Joel Omino Primary and Secondary Schools is very sensitive in Kisumu and he has assured me that he will handle the matter next week, with the permission of the Chair.

Mr. Speaker: In that case, then, the Question is ordered to be deferred to Tuesday next week!

(Question deferred)

Question No.410

APPOINTMENT OF DIRECTORS TO EWASO
NG'IRO NORTH/SOUTH BOARDS

Mr. Mureithi asked the Minister for Regional Development Authorities:-

(a) to provide the names of the Directors appointed to both Ewaso Ng'iro South and Ewaso Ng'iro North boards and indicate the respective districts they represent; and,

(b) to indicate what criteria was used to select the Board Members.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Speaker, Sir, I beg to reply.

(a) The board members of the Ewaso Ng'iro South Development Authority and the respective districts they represent are as follows: Mr. Jeremiah Risa Nakaa, Kajiado Central. Lt-Gen. (Retired) Nick Leshan, Narok North, Mrs. Beatrice Mukabana, Nairobi, Mr. David Kitashu, Loitokitok; Dr. Stasigei Konongoi, Trans Mara, Mr. Wilfred ole Pere, Kajiado North, Mr. Jonathan S. Kirorey, Narok South; Mr. Dominic Ndoto Mwangi, Kipipiri; Mr. Mohamed Adan Osman, Nairobi; Mr. Hosea Kiplagat, Nakuru; Mr. Chacha Mwita, Kuria; Mr. Jonathan K. Too, Kuresoi.

The board members of Ewaso Ng'iro North Development Authority and the districts they represent are as follows: Hon. Dr. Wako A.H., Isiolo; Dr. Francis Chabari, Meru; Mr. Dida Galicha Dime, Moyale, Mr. Alloys Leriwala, Samburu; Mr. Abdulahi M. Guled, Wajir; Mr. Bishar Ali Olow, Wajir; Mr. Bishar Ali Abdi, Garissa; Mr. Isaac S. Gabbow, Mandera; Mr. H.B. Shill, Garissa; Miss. Suli Hassan Days, Wajir.

(b) The Minister responsible for Regional Development Authorities has been mandated through the respective Acts of Parliament; that is the Ewaso Ng'iro South Development Authority, Cap.447 and the Ewaso Ng'iro North Development Authority, Cap.448, to appoint board members in consultation with other stakeholders. Both Acts of Parliament provide for 12 non-official members, 10 of whom shall be from the areas covered by the operations of the Authority.

Thank you.

Mr. Mureithi: Thank you very much, Mr. Speaker, Sir. I want to thank the Assistant Minister for that answer, but I want to inform him that from the list he has read for both Ewaso Ng'iro South and Ewaso Ng'iro North boards, none of the board members comes from Ol Kalou Constituency, notwithstanding that Ol Kalou Constituency holds the reservoir for the water going to Ewaso Ng'iro South and Ewaso Ng'iro North in

the name of Lake Olbolosat. Why has he omitted one of the catchment areas that provide water to the consumers who seem to dominate the two boards?

Mr. ole Metito: Mr. Speaker, Sir, it is true that in both the Ewaso Ng'iro South and Ewaso Ng'iro North boards, there is no board member from Ol Kalou Constituency. But Ewaso Ng'iro South Development Authority covers 18 districts or 18 constituencies and Ewaso Ng'iro North Development Authority covers 27. As I have said, the Act mandates the Minister to appoint a maximum of 12 board members. So, you will agree with me that there will be no Regional Development Authority that will be able to absorb the board members from all the areas of its jurisdiction.

Mr. Speaker, Sir, having said that, Ol Kalou Constituency is very important to both Ewaso Ng'iro South and Ewaso Ng'iro North because of the water reservoir the honorable Member has just mentioned. To really emphasize its importance to these regional development authorities, it is covered by both regional development authorities; Ewaso Ng'iro North Development Authority covering two divisions; Ol Jororok and Ol Kalou and the remaining part of the constituency is covered by Ewaso Ng'iro South Development Authority. But when we were forming these boards, we were taking representatives from the larger districts. One of the board members from Ewaso Ng'iro South Development Authority, a Mr. Dominic Ngotho Mwangi, although he represents Kipipiri as a constituency, but he comes from the larger Nyandarua, where Ol Kalou falls.

I would like to assure the honorable Member that even if we do not have a board member specifically from Kipipiri, we are not going to leave Kipipiri without serving wananchi with development projects in that constituency.

Mr. Speaker: What is it, Mr. Kioni?

Mr. Kioni: Thank you, Mr. Speaker, Sir. I stand on a point of order because the Assistant Minister has said that Kipipiri is within Ol Kalou. There is nothing as inaccurate as that statement. Let me ask a question because I did not get a chance to raise the point of order.

The Assistant Minister has said that when Board members to both regional authorities are being appointed, stakeholders from the areas served by the authorities are consulted. The areas served by those authorities include Ol Kalou, Ndaragwa, Kieni, Laikipia East and Laikipia West. It is not possible for a director to be appointed from each of the constituencies. Could he inform this House how those areas were left out? The areas are actually the ones which form the water catchment areas. Without the four constituencies, Ewaso Nyiro River would not be there. They do not consult those in the upper part of the river; they consult only those who consume the water.

Mr. ole Metito: Mr. Speaker, Sir, I want to thank my good neighbour for that correction. It is true that Kipipiri and Ol Kalou are two different constituencies. I wanted to say that Ol Kalou is in the larger Nyandarua District together with Kipipiri.

Coming to his question, I really agree with the hon. Member that there are about five constituencies, namely; Ol Kalou, Ndaragwa, Kieni, Laikipia East and Laikipia West, which are so crucial to the survival of Ewaso Nyiro River. Although I can prove that those constituencies have not been left out in terms of development, in terms of representation on the Board, they have not been all that well represented.

However, if the hon. Member listened very well when I was reading the list of the Board members of Ewaso Nyiro North Development Authority, he should have realised

that they are ten, when they should be 12. That means we have two Board members whose term expired a month ago. I can assure the hon. Member that we have done consultations in the Ministry. There might have been an oversight before, but we are going to replace the two from that region of Ol Kalou, Ndaragwa, Kieni, Laikipia East and Laikipia West.

Mr. Cheruiyot: Mr. Speaker, Sir, I would like the Assistant Minister to confirm to the House whom he consulted in appointing Jonathan Too to represent Molo District when, indeed, he comes from Kericho County.

Mr. ole Metito: Mr. Speaker, Sir, Mr. Jonathan K. Too was in the Board of Ewaso Nyiro South Development Authority, which we inherited from the previous Board. Every Board serves for three years. According to the Act, one qualifies to be re-appointed. Having evaluated the performance of Mr. Jonathan K. Too in the previous Board upon the expiry of his contract, we found that he had performed. So, we saw the need for his re-appointment as a Board member. Maybe, as the hon. Member has said, if he does not come from Kuresoi, he represents the original Molo District on that Board, and the Board serves that area as well.

Mr. Mureithi: Mr. Speaker, Sir, you have heard the Assistant Minister. He has done well while replying to the Question, but what has happened is that where we have directors in the Board, like in Kipipiri, we have more projects going to those areas, yet we are the ones who plant trees in those areas. Ol Kalou serves not only Ewaso Nyiro North. We also serve River Malewa, which maintains Lake Naivasha. So, I am requesting the Assistant Minister that when he replaces the two Board members whose terms have expired, he should consider Ol Kalou, so that we can, at least, have somebody representing the areas that do the maintenance of the water catchment area.

Mr. ole Metito: Mr. Speaker, Sir, it is true that Ol Kalou, as a constituency, is crucial as I said in my earlier reply. We have done two dams in that constituency – Bahati Ex-Colony Dam and Ayub Mwangi Dam – and we are going to do more dams. I just want to tell my good friend, hon. Erastus Mureithi, that my Ministry, in conjunction with the Ministry for the Development of Northern Kenya and other Arid Lands, has called for a meeting through Ewaso Nyiro North Development Authority to be held in Nairobi on 25th November, 2010, for the 27 Members of Parliament who come from the areas covered by the Authority. I would really want him to attend that meeting; the objective is to discuss the development projects required in this financial year. In that meeting, all this can be discussed. It is good that we do equitable distribution of resources, including human resources in the areas we cover. So, I can confirm that I will heed his request.

Mr. Speaker: Very well. Next Question, Member of Parliament for Bura!

Question No.436

LIST OF *BONA FIDE* FARMERS FOR
BURA/HOLA IRRIGATION SCHEMES

Dr. Nuh asked the Minister for Water and Irrigation:-

(a) to provide a list of *bona fide* farmers for Bura and Hola Irrigation Schemes, clearly indicating the acreage of land held by each farmer;

(b) how many acres of land are under cultivation by the National Irrigation Board and the National Youth Service, how many tons of maize were harvested by each entity, and how the proceeds were utilized; and,

(c) when the land under the two entities will revert to the residents.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I have discussed my answer with the Questioner, Dr. Nuh. My answer is not good enough to satisfy the hon. Member. I am, therefore, requesting for more time, so that I can come back with a more comprehensive answer.

Mr. Speaker: Dr. Nuh, do you agree to accommodate the Assistant Minister?

Dr. Nuh: Mr. Speaker, Sir, the Assistant Minister consulted me, and I have no objection to his request.

Mr. Speaker: Very well! The Question is deferred to ten days from today.

(Question deferred)

Next Question by Member of Parliament for Igembe North!

Question No.461

HOLDING OF UNCLAIMED ASSETS
BY FINANCIAL INSTITUTIONS

Mr. M’Mithiaru asked the Deputy Prime Minister and Minister for Finance:-

(a) to confirm that banks and other financial institutions are currently holding up to Kshs38 billion in unclaimed assets as admitted by him in the House in November 2008;

(b) what steps the government has taken to facilitate appropriate claiming of the assets; and,

(c) whether he could also provide to the House the report of the 2008 Task Force charged with establishing formal mechanism for claiming the funds.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I beg to reply.

(a) According to the Report of the Task Force on Unclaimed Financial Assets of November, 2008, surveyed institutions in the banking, capital markets and insurance sectors reported total unclaimed assets of Kshs9.1 billion, which was far below the originally estimated Kshs38 billion. For the reported total unclaimed assets, banks held Kshs7.4 billion or 81 per cent. Of this amount, Kshs4.1 billion, or 56 per cent, was held for less than two years, while only 44 per cent was held for more than two years by the banks. Even then, the amount held for more than six years, and which could qualify as unclaimed assets, was not significant.

(b) To the extent of (a) above, and bearing in mind the cost benefit analysis, my Ministry has not considered it necessary at the moment to develop a stand-alone law to be administered by a new regulatory authority to address unclaimed financial assets as was recommended by the task force. My Ministry has, however, urged the relevant regulators

in the financial sector to develop guidelines and regulations to address the issue of unclaimed financial assets falling under their areas of regulation. I am happy to report that the Capital Markets Act has been amended to include provisions relating to unclaimed dividends. I hope and trust that the other regulators will soon follow suit.

(c) I hereby table a copy of the Report of the Task Force on Unclaimed Financial Assets of November, 2008.

(Dr. Oburu laid the document on the Table)

Mr. M'Mithiaru: Mr. Speaker, Sir, I thank the Assistant Minister for the answer he has given, but the figure of Kshs9.1 billion that he has given as the amount of the unclaimed assets is an under-statement. If we consider all the financial institutions in the country – banks, insurance companies and pension funds – and the amount of money lying with them unclaimed, because the owners have not been traced, this should be a worry to the Government. The objective of this Question is actually to have the Government intervene because by the best international practice, the Government must be the custodian of all unclaimed assets.

We have seen instances in the banks where even we have huge sums of money lying in dormant accounts. After a few years, that money is written back to the profit and loss account, and it is later distributed to the shareholders when the actual owners of those funds are languishing in poverty because they do not know. What is he doing to put in place a reporting mechanism, so that, at least, these unclaimed assets are enjoined with their owners?

Dr. Oburu: Mr. Speaker, Sir, the report which I have just tabled here had four options which were given as options for the Ministry to consider. Of these options, one of them was to establish a regulatory authority which they thought was the best option as far as the task force was concerned. However, establishment of a new regulatory authority will involve expenses which in the view of the Ministry at the moment, is not viable. It is, therefore, a decision of the Ministry that we shall urge the regulatory authority to introduce regulations which will make it tighter for those who are retaining unclaimed assets and reverting them back as their own assets and distributing them to their shareholders as their profit. That is the option we have.

Mr. Shakeel: Mr. Speaker, Sir, while noting the Assistant Minister says it is economical to do so, is he aware that there are certain countries in this world which have a particular regulatory body that puts that money in an interest accruing account and runs itself with the accrued interest? Has he actually explored that opportunity?

Dr. Oburu: Mr. Speaker, Sir, in the report which I have just tabled, each case of all the countries which have regulations dealing with unclaimed assets has been tabulated. The type of regulatory authorities they have put in place, are also tabulated. We have analysed all that. We are urging our current regulatory authorities that, to tighten their own regulations other than creating a new institution is the best option for us. We have considered all those facts and they are in the report.

Mr. Mureithi: Thank you, Mr. Speaker, Sir. I would like to thank the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance for that answer. However, the shocking thing is that within the banking industry, we have an inspectorate department, a regulatory department and deposits protection fund, among others. It is

very unthinkable that unclaimed assets would not catch the eye of the Central Bank of Kenya (CBK). What is he doing to see that within the institution of the CBK, the organs that are created there have the capacity to be able to distribute this money to the rightful owners, rather than enriching the shareholders in the private banks?

Dr. Oburu: Mr. Speaker, Sir, as I stated before, we have urged all the regulatory authorities, including the CBK, to tighten their regulations, so that they can trace these unclaimed assets and get them re-united with their rightful owners. We have done so.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House the CBK cannot regulate and we know, it is a regulatory body that has power to do so? Is it in order for him to say that CBK together with others will look into it? The CBK has authority and the power to do so.

Dr. Oburu: Mr. Speaker, Sir, I have not said they do not have the authority and that they are not doing so. We have urged them to tighten the regulations, so that we have less of these unclaimed assets remaining enjoined with their rightful claimants.

Mr. M'Mithiaru: Thank you, Mr. Speaker, Sir. Whereas the Assistant Minister says the Government may not be able to set up an authority that will be in charge of these unclaimed assets, what I want him to tell this House, the unclaimed funds are a resource for fraudsters. In banks, when accounts are idle, that is when we have people even trying to lay their hands on them because they know that nobody owns them. Today, we know there is no compelling law for the institutions to report unclaimed assets. What is he doing to make it mandatory that unclaimed assets are being reported?

Dr. Oburu: Mr. Speaker, Sir, through regulations, we are able to compel the institutions which have been dishonest. Actually, there are quite a number of them who are very reluctant to report unclaimed assets. We are tightening the regulations to make sure that we catch up with them.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Before the next order is called, I wish to ask for the---

Mr. Speaker: Order hon. Olago! We still have not completed Questions. Member for Ndaragwa!

Question No.485

EXEMPTION OF RETURNING RESIDENTS' VEHICLES
FROM EIGHT-YEAR RULE

Mr. Kioni asked the Minister for Industrialization –

(a) if he could provide a list detailing the number of vehicles belonging to returning residents of Kenya which have been exempted from the eight year rule for the last five years, indicating each vehicle's year of manufacture, year and month of importation, name and passport numbers of the beneficiaries; and,

(b) whether he could also provide details of the names, passport numbers, dates of departure from Kenya, respective return dates and the organization each returning resident was working for.

Mr. Speaker, Sir, this Question was on the Order Paper last week. It was deferred to allow him to come with a better answer. In addition, there was a list that was tabled of

454 cars. He was also supposed to deal with it under the same answer. However, I do not have any different answer from what he gave last week, but I will wait to hear him.

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I beg to reply-

(Mr. Kioni stood up in his place)

Mr. Speaker: What is it hon. Kioni?

Mr. Kioni: Mr. Speaker, Sir, the Minister should also declare whether he has any interest in this matter.

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I have no particular interest in this matter, except that I am the Minister in charge of the Ministry.

However, I beg to reply.

(a) I table here a list of 184 over eight years old vehicles, belonging to returning residents who were exempted from the requirements of the Kenya Standard KS1515:2000, vide the provisions of Legal Notice No. 78 of 15th July, 2005 which is attached.

Mr. Speaker, Sir, the information available in our records on the year of manufacture, year and month of importation, name, passport and number of the beneficiary, the organization he or she was working for, date of departure and return into the country and the date the Ministry issued the letter is indicated where possible in this schedule. The information covers the period 2006-2010. You will notice that the current list is less two vehicles which had been repeated.

Mr. Speaker, Sir, you will also notice that according to the information we have, we will have a large number of gaps from the years of departure, or no passport number or date indicated. But this is the best that I could produce. The details are as follows: In 2006 - 13 vehicles were given exemption, as far as I could trace; in 2007 – 15 vehicles; in 2008 – 33 vehicles; 2009 – 73 vehicles and in 2010 – 50 vehicles. As I explained last time, there was an increase, particularly in 2008, 2009 and 2010 because of returning Kenyans as a result of the global economic melt down.

While also contributing to the Question last time, a list was tabled here containing vehicles that have been given exemption in total and not of returning citizens only. That list contained 347 cars that have been given exemption so far this year. I checked with our records and it more or less, conforms with what we have barring a few differences. The list includes 50 returning citizens, eight diplomats, 25 under (B-Folk) specialized vehicles for mountain tourism; 10 firefighting equipment; a company that was transferring a fleet of 10 vehicles; individuals who said for one reason or another, they could not register vehicles earlier and, therefore, overshot the age limit. That is, those who had brought in vehicles manufactured in 2001/02; these were 234; companies which had paid duty had 79 vehicles, making the total figure I have just mentioned.

Mr. Speaker, Sir, under the relevant law, I am empowered to give exemption as required, or when requested by the council or the individual.

Mr. Kioni: Mr. Speaker, Sir, when this Question came up before this House last week, it was deferred to today because the list that was given by the Minister lacked details that would otherwise be easily available to the Minister, because without those details, then there is no basis for him to have given an exemption. As it is, 85 of the

beneficiaries did not have their passport numbers. If these people were returning from outside Kenya, how else would the Minister have known that they had been out of the country if he did not see the passports and no record of the passports was kept?

Secondly, on the same list---

Mr. Speaker: Order. I gave direction yesterday on how we should handle Question Time. I did make it clear that hon. Members will ask one question at a time. You have asked a question; I want the Minister to answer it.

Mr. Kosgey: Mr. Speaker, Sir, the information is contained in the letter by which the applicant requested exemption. In the majority of the cases which are missing, the logbook is attached showing that the logbook is registered in the name of the applicant and the country where it was coming from. Unfortunately, the records that were within the Ministry did not indicate in full all the details which are being requested here by the Questioner. Just to show that an applicant would have actually given the registration log book of the car, I have included here a list of some of the applicants whose passport numbers are not included. Since the copy of the registration book shows that he is the owner--- If somebody has a registration book and says he is returning from Uganda, we will assume that, that is the truth. So, that was the basis of exemption to those returning citizens.

Mr. Oyongo Nyamweya: Mr. Speaker, Sir, could the Minister explain what comes first? Let him say whether he first gives authority for the vehicles to be released or whether the vehicles are shipped to the port of Mombasa, they arrive in Nairobi, then authority is given. What comes first? Also, normally---

Mr. Speaker: Order. You have asked a question. Let the Minister respond.

Mr. Kosgey: Mr. Speaker, Sir, when the vehicles arrive, that is when the request for exemption occurs. I am not particularly 100 per cent certain that all these vehicles had arrived before the requests were made. In some cases, as in the case of people coming from the United Kingdom, they already know that their vehicle is coming. It is already in the high seas. It has no certificate of conformity. It is also over age. Then they would apply. Some Kenyans will apply so that they can avoid the extra charges they would incur at the port if the vehicles stay at the port for too long.

Mr. Imanyara: Mr. Speaker, Sir, I do appreciate that the Minister did indicate that he has no personal interest in this matter. I would like to ask the Minister whether he is aware that a person either currently or formerly attached to you as a bodyguard is currently, or was, facing charges in connection with release of documents for over-age vehicles. If so, how many such officers are facing criminal charges?

Mr. Kosgey: Mr. Speaker, Sir, one person who still is a bodyguard attached to me, but is under suspension, is facing some criminal charge for attempting to get money for an exemption he obtained for one vehicle, which he claimed was for his friend. Maybe, I should explain. This person, who was attached to me, came to me requesting for exemption for that one vehicle which he claimed belonged to his friend. Initially, I declined to give him the exemption. He came again saying: "Please, assist me with this one vehicle. It belongs to my friend."

Mr. Kioni: On a point of order, Mr. Speaker, Sir.

Mr. Kosgey: Let me finish.

Mr. Speaker: Order. Member for Ndaragwa; please let the Minister address that matter first.

Mr. Kosgey: I actually gave exemption for that one vehicle. Later on, it turned---

(Mr. Kioni stood up in his place)

Mr. Speaker: Order, Member for Ndaragwa. I can see where your interest is, and it will not die even if the Minister takes another two minutes.

Proceed, Mr. Minister.

Mr. Kosgey: Mr. Speaker, Sir, the matter is before a court.

Mr. Speaker: Member for Ndaragwa; raise your point of order.

Mr. Kioni: On a point of order, Mr. Speaker, Sir. The Minister has said that his personal bodyguard, who is now facing a charge in court for having gone to look for Kshs50,000 to get an exemption--- An exemption that is only allowed from the pen of the Minister himself. He went directly to him to ask for that exemption. The statute provides that the Minister can only give that exemption on the advice of the National Standards Council (NSC). Is it in order for the Minister to mislead this House that he gave the exemption to his bodyguard for that one vehicle; a bodyguard who has already been charged with an offence of having gone to look for money from another person so that the vehicle could be released? He is the one who is supposed to have given that exemption. Could it be the case with all the other 454 cars?

Mr. Speaker: I do not see how that is a point of order. But let us see, what your reaction is, Mr. Minister. But it does not pass the test.

Mr. Kosgey: Mr. Speaker, Sir, the statute is very clear. It says: On advice, the Minister "may" give exemptions. It is not just an exemption on the eight year rule. It is an exemption on the Standards Act. If you look at the Standards Act No.15(15), there is more than just the eight year rule. In fact, the most critical part of that standard is the mechanical condition of the vehicle and it is clearly stated. So, you could even have a vehicle which is six years old, but not mechanically sound. It does not meet the standard. The one point to look at is the mechanical condition of that vehicle. On that particular case of a bodyguard who was attached to me--- Actually, what I am telling is the truth. He came to me requesting for exemption of a car that belonged to his friend. As I said, I declined at first---

Mr. Speaker: Order, Mr. Minister! You do not have to repeat what you have already said!

Mr. Kosgey: Mr. Speaker, Sir, what I understood is that he tried to solicit a sum of Kshs30,000 from an individual or from that person and, eventually, he got into problems. That has nothing to do with me. As I said, I do not have a personal interest in this matter except that I am discharging the functions as required by the law.

Mr. Kioni: Mr. Speaker, Sir, this issue is being investigated by Kenya Anti-Corruption Commission (KACC). The Minister, himself, has visited KACC to deal with the same issues. Could he confirm to this House that when he visited KACC, it was because of the--- Could the Minister inform this House, now that KACC is investigating how he gave the exemptions, whether he is ready to give room, like others have done in the past whenever Ministries are under investigations?

Mr. Kosgey: Mr. Speaker, Sir, I do not think that arises. The Question is about exemptions of approximately 400 or so old vehicles which belong to Kenyans. Under the

law, the powers rest with me. Whether or when I visited KACC is now public knowledge. The powers are with me and I exercise them judiciously.

(Applause)

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I think the House deserves an answer from the Minister. That is because the hon. Member asked him whether he was going to step aside now that his docket is under investigations. My point of order is: Is the Minister in order to refuse to respond to the question when, in fact, I have a letter here signed by none other than his own Permanent Secretary, written to the Kenya Revenue Authority (KRA) confirming that, indeed, the clearance of over-age vehicles is under investigations? Since the Minister has owned up and said that he is the only one who can make the clearance, is he convinced that by continuing to stay in office, the investigators will have access to his office?

Mr. Speaker: Order, Dr. Khalwale! I have heard you. The Minister is out of order for failing to answer the question on whether or not he is prepared to step aside. Mr. Minister, can you answer that question then?

Mr. Kosgey: Mr. Speaker, Sir, I do not think the question of stepping aside arises. I said my visit to KACC is now public knowledge. The letter the---

Mr. Speaker: Can you answer the question expressly?

Mr. Kosgey: No, Mr. Speaker, Sir.

(Laughter)

Mr. Speaker: Very well, Mr. Minister! We will now go to the Question by Dr. Eseli!

QUESTION BY PRIVATE NOTICE

UPSURGE OF INSECURITY IN KIMILILI

Dr. Eseli: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that over 20 people have been injured through thuggery in the residential areas of Kimilili Township in Kimilili Constituency in the last three months?

(b) Is the Minister further aware that, at least, one person is killed by criminals every month at Brigodia Market over the past four months?

(c) How many people have been arrested over the above criminal acts and what action is the Minister taking to restore security in Kimilili Constituency, particularly Kimilili Town, Brigodia Market and its environs?

Mr. Speaker: Is the Minister of State for Provincial Administration and Internal Security here? Who will hold brief for him? Mr. Mudavadi!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I undertaken to have this Question answered on Tuesday

next week because there is nobody from the Ministry responsible. So, I think Tuesday next week, with the indulgence of the House, would be ideal.

Mr. Speaker: Dr. Eseli, is Tuesday next week convenient for you?

(Mr. Konchella stood up in his place)

Order, Mr. Konchella!

Dr. Eseli: Mr. Speaker, Sir, perhaps, I might not be available next week. Probably, you could give it ten days.

Mr. Speaker: Very well! I will defer the Question to ten days away from today and expect that the Minister of State for Provincial Administration and Internal Security will have an explanation satisfactory to the House as to why he is not here to answer this Question.

(Question deferred)

Hon. Members, that then brings us to the end of Question Time!

Mr. Yakub: On a point of order, Mr. Speaker, Sir. First of all, I wish to apologize for coming late due to a medical treatment that I was going through. But there is my Question which I was supposed to ask.

Mr. Speaker: Very well! Mr. Yakub, I accept your explanation that you were seeing a doctor and you had no control over what time the doctor would see you. But that, notwithstanding, we are already spent on Question Time and so, I will defer this Question to Tuesday next week. Is that fine with you?

Mr. Yakub: It is fine, Mr. Speaker, Sir.

Mr. Speaker: It is so ordered!

Question No.510

ISSUANCE OF NEW IDS IN COAST PROVINCE

(Question deferred)

POINTS OF ORDER

RETIREMENT OF MESSRS. ENID OBWOCHA/HARRISON
BUYUKA FROM JUDICIARY

Mr. Olago: On a point of order, Mr. Speaker, Sir. First, I apologize for attempting to bring up this matter prematurely. Fifteen days ago, I asked a Question about two members of staff who were retired from the Judiciary, Mr. Enid Obwocha and Mr. Harison Buyuka. The Deputy Prime Minister and Minister for Finance was given instructions by the Chair to comply within 14 days. The 14 days have now expired and I wish to ask for a confirmation from the Ministry if they have complied with the Chair's direction or they have not.

Mr. Speaker: Anybody from the Ministry of Finance? The Assistant Minister was here, but he is not here now.

(Mr. Okemo stood up in his place)

Mr. Okemo, you chair the Departmental Committee on Finance, Planning and Trade; do you have a response?

(Mr. Okemo nodded)

(Laughter)

No, you do not have!

Mr. Okemo: I am on the Back Bench!

Mr. Speaker: Very well! I will defer this matter to Tuesday next week at 2.30 p.m. and expect that, that answer will be forthcoming.

EXTENSION OF TIME FOR COMMITTEE INVESTIGATING CHARTER HOUSE BANK

Mr. Okemo: On a point of order, Mr. Speaker, Sir. I rise to seek your indulgence in the matter of the petition on CharterHouse Bank. On 14th October, 2010, I sought extension of time for 30 days and we got an extension of a shorter period.

As I stand today, we have a few more witnesses and I believe that if given two weeks we should be able to interview them, get the evidence and write the report. I, therefore, seek further indulgence from the Chair to give us another extension up to 30th November when we will be ready to present our Report.

Mr. Speaker: On the ground that you had asked for an extension of 30 days and you were given 14 days, I think the explanation passes the test for granting you further extension.

Mr. Okemo, this will be the final extension. Please, ensure that your Committee gets up and completes its work by 30th November.

Mr. Okemo: Very much obliged, Mr. Speaker, Sir.

Mr. Konchella: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: That particular matter must rest. I have already given directions. What is it, Member for Kilgoris?

INVASION OF VETERINARY LABORATORY SPORTS CLUB LAND

Mr. Konchella: Mr. Speaker, Sir, last week I rose on a point of order to request the Minister of State for Provincial Administration and Internal Security to give a Ministerial Statement of a very crucial matter. That is, the invasion of public land; the Kabete Veterinary Laboratory land, which has been grabbed by the who is who in this Republic. The Minister requested for an extra week to bring the Statement. That extra week ends today.

Mr. Speaker, Sir, I do not see the Minister here but I can see the Minister for Lands whom after consultations we agreed he would do something to restore the ownership of the land back to the rightful owners so that the members of the club and others can use it.

Besides that, a student of the University of Nairobi was arrested and is languishing in prison with two other Kenyans yet they were never part of the fracas that occurred. I demand that this issue be brought up. The Minister for Lands is here, he can tell us what he has done about it if his colleague is not around.

Mr. Speaker: Very well! Minister for Lands, are you able to give an account on behalf of your colleague?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I am not able to give an account because the demand for the Statement was made to the Minister of State for Provincial Administration and Internal Security. I was required to give some information to the Minister. I have all the information but unfortunately the Minister is not there. The problem is not mine. The Member chose from whom to demand the Statement. It would be indiscipline for us to want to make that Statement on behalf of the Minister of State for Provincial Administration and Internal Security. The information that was demanded from the Ministry of Lands is available.

Ms. Karua: On a point of order, Mr. Speaker, Sir. There is collective responsibility in the Government. Half of the Ministerial Statements sought related to the status of the land in question which is Government land. The companies and names of the persons who have grabbed that land are there. Three of them are said to be sitting Cabinet Ministers. In view of the Minister of Lands stating clearly that he has the information and using the doctrine of collective responsibility, can the part of the ownership be given to him while we wait for the security related part to be given by the Minister of State for Provincial Administration and Internal Security?

Mr. Speaker, Sir, what sanctions will you give the Minister of State for Provincial Administration and Internal Security? They were informed by the Chair that this Statement was urgent. There is, therefore, no reason they should not be here other than trying to deny Parliament and the public information. Is it in order for the Minister for Lands to give half of the Statement and for the Chair to issue sanctions to the Minister who is not here if it deems it fit?

Mr. Kabogo: Mr. Speaker, Sir, you heard the Member for Gichugu say that three of the grabbers are sitting Cabinet Ministers. Is it in order for me to ask her to give the names of the three?

(Applause)

Mr. Speaker: Member for Gichugu, did you make that assertion? The Member for Juja says that even as you sought an answer from the Minister for Lands partially, that you did assert that three of the “grabbers” sit in the Cabinet. The Member is asking you to substantiate.

Ms. Karua: Mr. Speaker, Sir, if he heard me correctly I said: “In the evidence, it appears that three...” that did come out in the request for the Statement. However, because as Members we do not have possession of Government records, the good Minister is here and I can see him holding a folder---

Mr. Speaker: Order, Member for Gichugu! I think you have made the matter clear that you said: “From the document availed, it appears...” So you are not making that assertion yourself. The only person who can make that confirmation or otherwise is the Minister. However, the Minister for Lands is not the one who was compelled by the directions of the Chair to deliver the Statement. It was a different Minister. The Minister is willing to supply information but he is willing to supply that information to his colleague so as to enable him deliver the Statement to the House. That is the right way to proceed.

I am aware there is the concept of collective responsibility.

Ms. Karua: Mr. Speaker, Sir, the position is this; when there are powerful individuals being protected, we have noticed that certain Ministers just absent themselves. I am pleading on behalf of this House and on behalf of the nation that once this half is given, it will actually compel the Minister of State for Provincial Administration and Internal Security to come running. You may not have to issue sanctions because before the end of the Statement they may very well surface in the House to issue an alternative rejoinder.

This Minister who has graciously come to the House stated that he had given an order for the protection of the land. Therefore, this House is aware that it was interference from, I do not know whether *juu zaidi* or above some place, however the Minister and the Minister of State for Provincial Administration and Internal Security---

Mr. Kutuny: Hoja ya nidhamu, Bw. Spika.

Mr. Speaker: Order! The Member for Gichugu is on a point of order!

Ms. Karua: Mr. Speaker, Sir, this is a unique case where you will assist the House and the nation so that people stop hiding by being absent. Let us know the truth once and for all. I see an envelope.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir. I was in the House when Mr. Ojode was attempting to give this Statement. The Chair asked the Minister for Lands, Mr. James Orengo and he confirmed that they were working together to bring this Statement to the House. I was in the House then and the HANSARD can bear me witness. So, do we ask Mr. James Orengo to table what he has so far because we know he is the Minister for Lands?

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Apart from the doctrine of collective responsibility, under this order, a Minister need not be requested to issue a Statement for him or her to issue one. Now that my good friend has the information, can he take advantage of this order which enables him to make a Ministerial Statement and satisfy Members’ curiosity by sharing the information he has with the House and the country?

Mr. Speaker: Order, hon. Members!

*(Dr. Khalwale stood up
in his place)*

What is it, Member for Ikolomani? You are persistent!

Dr. Khalwale: Mr. Speaker, Sir, we are really begging you because while you were away from the Chair, it was directed that this matter must come today. That is because we have some poor university students who have been languishing in custody

because they could not raise bail of over Kshs500,000. If you were to kick off this matter now, so that the hon. Minister is allowed to inform the Leader of Government Business or his Deputy, then they will be prompted into some form of action. Mr. Speaker, Sir, we beseech you.

Mr. Speaker: Order! Hon. Orengo, what is your reaction to all this that hon. Members have had to say?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I think if the hon. Members had required me to make a Statement of the information that they want me to give, I would give it. But, unfortunately, the understanding was that I make that information available to the relevant Minister. But now if they want me to give the information, then they should separate what information should be given by the Minister of State for Provincial Administration and Internal Security. It can be done that way. If they want information from me, I am prepared to make a Statement. But not now. I can give it on Tuesday.

Hon. Members: Now!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I can assure them that--

Mr. Speaker: Order, Member for Ugenya. Will you resume your seat for a minute? There is an assertion by the Member for Juja that you did intimate to the House last week that you will work together with the Minister in charge of Provincial Administration and Internal Security. Is that so? If it is, then have you worked together?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, in fact, for the last two days, I have been looking for the Minister of State for Provincial Administration and Internal Security together with his Assistants. They were all in the House. That is because I knew what was coming. Unfortunately, all of them are out of the country. But the understanding was that in working together, I was to provide the information to the Minister of State for Provincial Administration and Internal Security. The Statement was not to come from me. I was basically to provide the information. That is because they said that they needed to get some information from the Ministry of Lands. I said that I was going to give that information to them.

Mr. Speaker: Order, hon. Orengo! Just indicate to the House if, in your assessment, you were able to respond to the issues requested for in this Statement fully, if you applied yourself to it.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, there are law and order issues which I may not be able to respond to, because I am not---

Mr. Speaker: So, you may not be able to respond to it fully?

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I may not be able to respond to it fully, but if an order was made to the effect that I am to make a comprehensive Statement containing all that they demanded for, then under that same principle of collective responsibility, I can make the comprehensive Statement. But if they want me only to react to issues to do with land, then they should give me time until Tuesday and I will be able to do it. It is a very long list. It is not something that---

Mr. Speaker: Very well! I will now give the following directions, hon. Members. The Minister for Lands has indicated that he has put together some information which he can deliver, if ordered by the House, on Tuesday next week. But he has also indicated that he needs to liaise with the line Minister, who is the Minister in charge of Provincial

Administration and Internal Security. Therefore, in those circumstances, I direct that a comprehensive Statement be delivered in the House on Tuesday at 2.30 p.m. by one of the two Ministers. So, if you have not fully consulted with your counterpart, then we will expect you to cover all the aspects as sought in this Ministerial Statement. Otherwise, your colleague in charge of Provincial Administration and Internal Security will do so. I am saying this because the Chair does not want to delve into matters as to how the Executive will carry out its operations, particularly with respect to collective responsibility. But one way or the other, one of you will have to come with that comprehensive Statement on Tuesday at 2.30 p.m.

Ms. Karua: On a point of order, Mr. Speaker, Sir. In view of the failure by the Ministry of State for Provincial Administration and Internal Security to notify the House or come and give a Statement, knowing very well that the Statement was urgent in view of security implications, what sanctions – because normally you do issue sanctions – do you give to this Ministry to serve as a lesson to those in Government; that when the House has a date with them and is expecting information, it must be delivered? Otherwise, this House will be trivialized?

Mr. Konchella: On a point of order, Mr. Speaker, Sir. This House should not be seen to be working in vain. That is because we are representing the poor Kenyans and people who need the protection of the Government. Here, it is the Government which is failing to protect its own people. As I said earlier, there are three Kenyans who are languishing in remand prison out of that action and the Government is supposed to do something to remove them. Could you not only reprimand them, but this House directs the Government to release those Kenyans who are languishing in jail because it is not able to answer anything?

Mr. Speaker: Member for Kilgoris, I have heard you and, indeed, all Kenyans have heard you. I find that the conduct of the Minister of State for Provincial Administration and Internal Security amounts to gross disorder, pursuant to Standing Order No.97. I will mete out sanctions on Tuesday.

Mr. Mbugua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Is it on the same matter?

Mr. Mbugua: No, Mr. Speaker, Sir. It is a different matter.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I was going to beg you, because I tried to stand up before you said that you were going to make a finding that there is unbecoming conduct, that under the principles in the Constitution that we have, would it not have been better to hear the other side just in case? There may be a story that would not amount just to mitigation but, maybe, a defence in the issues that have been raised as to his absence, so that the other side is heard.

Mr. Speaker: Member for Ugenya, I quite understand what you are saying. I know the import of the doctrine of natural justice. But the circumstances surrounding this matter are such that the other side was heard and given an opportunity. But despite being given that opportunity, the Executive has defaulted. So, the most that can be accorded to the Executive at this point would be mitigation. That is how we will guide this matter henceforth.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it Member for Ikolomani?

LICENSING OF BUTALI SUGAR COMPANY

Dr. Khalwale: Mr. Speaker, Sir, two weeks ago, you indicated, after the Minister for Agriculture and I had made submissions, that you would give guidance to the House in respect of a Ministerial Statement that I had requested because of the problems facing the licensing of Butali Sugar Company. We are spending a lot of energies to keep our farmers patient and because of what took place in Taita and Voi, we are afraid that farmers might take the law in their hands and become uncontrollable. Could you, kindly, indicate?

Mr. Speaker: Very well! Member for Ikolomani, that is legitimate. That Communication actually is ready in final draft and we will deliver it on Wednesday at 2.30 p.m. Please, ask your farmers to just be a little more patient. Another four days and we will give them directions.

FARMERS' STRIKE OVER TEA PICKING MACHINES

Mr. Wamalwa: Mr. Speaker, Sir, I had requested for a Ministerial Statement about three weeks ago regarding the strike in Sotik and Kericho because of the tea picking machines. The Minister for Labour had promised to give that Statement. Although he was in the House earlier, I do not know when it will be given. I need some direction on the matter.

Mr. Speaker: Where is the Minister for Labour? Is there anybody holding brief for the Minister for Labour? Deputy Prime Minister and Minister for Local Government, please, respond to that.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I undertake that the Statement will be given next week on Tuesday.

Mr. Speaker: Very well! It is so directed!

SAFETY OF KENYANS IN SOUTHERN SUDAN AHEAD OF JANUARY 2011 REFERENDUM

Mr. Mungatana: Mr. Speaker, Sir, similarly, on 27th October, I requested for a Ministerial Statement from the Minister for Foreign Affairs regarding the security of properties and our people in Southern Sudan. The Chair ordered that in ten days, the Statement should be issued. Those days have lapsed and I seek your direction.

Mr. Speaker: Which Minister did you say?

Mr. Mungatana: Mr. Speaker, Sir, I talked about the Acting Minister for Foreign Affairs, Prof. Saitoti. He is currently acting.

Mr. Speaker: Mr. Deputy Prime Minister, when will this be ready?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, it seems as if there will be quite a load on this. I request the House to allow that this Statement be made next week on Wednesday because the Acting Minister for Foreign Affairs has to---

Mr. Speaker: On Wednesday afternoon, we have the Prime Minister's Time. Make it on Thursday at 2.30 pm.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): That is even better, Mr. Speaker, Sir.

MASSACRE OF TEN SIAKAGO RESIDENTS

Mr. Kivuti: Mr. Speaker, Sir, following the massacre of ten innocent Kenyans in Siakago on 7th November this year, I seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security pertaining to the following issues:-

I would like a clarification as to where the police were during the massacre, considering that Siakago is a Police Divisional Headquarters and the massacre went on without any interruptions until it was finished. I would like to know what steps the Government is taking to compensate the families of the affected persons and, in particular, when the compensation will be forthcoming and the amount of money to be paid as compensation.

Finally, I would like to know what steps the Government is taking to stop or curb any recurrence of such an incident either in Mbeere or anywhere else in Kenya.

Mr. Speaker: Mr. Deputy Prime Minister, when will this Statement be available? It is an urgent matter.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, Thursday next week is the closest I believe it can be made.

Mr. Speaker: Very well. It is so directed.

SECURITY OF STUDENTS IN BURUBURU GIRLS' HIGH SCHOOL

Mr. Mbuvi: Mr. Speaker, Sir, I would like to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the security of students and teachers of Buruburu Girls' High School who are frequently terrorized by a private developer who has even demolished part of the school fence in an attempt to grab the school's road reserve despite a court ruling in favour of the school.

The Minister should clarify what action will be taken to ensure that, that act of hooliganism is stopped.

Mr. Speaker: Mr. Deputy Prime Minister, we are talking about the same Minister. When will he make the Statement available?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, there are already three Statements expected from the same Minister. This, I think, is the fourth one. I suggest that this be made on the subsequent Tuesday

Mr. Speaker: Ten days after?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Yes.

STATUS OF TATU CITY

Mr. Mbugua: On a point of order, Mr. Speaker, Sir. I sought a Ministerial Statement last week from the Attorney-General with regard to Tatu Estate. I would like

the Attorney-General to tell us when he will deliver the Statement because it was supposed to be delivered today.

Mr. Speaker: I know that the Attorney-General is away for very good reasons. I am not certain when we expect him to return. Mr. Deputy Prime Minister, do you have an idea?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir I think it may require two weeks to get that Statement.

Mr. Mbugua: Mr. Speaker, Sir, due to the sensitivity of this issue, because it concerns a company which is winding up but, at the same time, it is placing advertisements in the daily newspapers and collecting money on behalf---

Mr. Speaker: Your point is made, Member for Kamukunji!

Mr. Mbugua: Mr. Speaker, Sir, we had requested that the time be shortened.

Mr. Speaker: Member for Kamukunji, your point is made! Please, resume your seat. I will help you.

Mr. Kabogo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: On the same matter?

Mr. Kabogo: Mr. Speaker, Sir, it is on the same matter. You have heard the Member for Kamukunji allege that, that company is collecting money and yet, he has no evidence. The House has asked the Attorney-General to--- My interest is that Tatu City is in my constituency. We are expecting 30,000 jobs to be created. So, it is wrong for a Member to allege that a company is collecting money and yet, he cannot substantiate. What interest does he have?

Mr. Speaker: Order, Member for Juja! You should challenge him to substantiate. You should not tell us another story.

Mr. Kabogo: May I do so, Mr. Speaker, Sir.

Mr. Speaker: Very well. Member for Kamukunji, you have made that assertion that they have been collecting money.

Mr. Mbugua: Mr. Speaker, Sir, there have been advertisements in our local dailies with regard to Tatu City. Every day, the company is advertising and there is a number placed below the advertisement for a lady called Nancy. I called the number and the people I talked to told me that if I wanted to invest, I should go to their offices. There are many Kenyans who have gone. We know that there are many scandals of that nature which have happened in the same way in this country. In the interest of Kenyans---

Mr. Speaker: Order, Member for Kamukunji! You substantiate the matter that you have asserted

Mr. Mbugua: Mr. Speaker, Sir, why I sought the Ministerial Statement is because---

Mr. Speaker: Order! Member for Kamukunji! Please, do not make this a public *baraza!* You have made an assertion that the company is collecting money.

Mr. Mbugua: Mr. Speaker, Sir, I have indicated that, that company has been advertising in the daily newspapers. They have been saying that if you want to invest, you should call a certain lady called Nancy and her number appears in the papers. These advertisements are meant to---

Mr. Speaker: Order! Member for Kamukunji, please, resume your seat! You have made an express statement to the effect that the company is collecting money. When challenged to substantiate, you have said that the company has been advertizing and

saying that those who are interested should see a lady called Nancy. You called the lady called Nancy and she told you that if you want to invest, you should go to the offices or premises of the company. I believe that I have so far captured what you have said correctly. So, you did not pay any money yourself, did you? Did anybody that you know pay money to the company? Do you have such evidence?

Mr. Mbugua: Mr. Speaker, Sir, there are Press reports that there are people of Kamukunji who have already---

Mr. Speaker: Order! Member for Kamukunji, you have been here long enough to know that we do not rely on Press reports to substantiate allegations, claims or assertions in Parliament. If that is your source of authority, then I am afraid that you have fallen short of the standards of substantiation. Will you please proceed to withdraw the part that the company is collecting money and apologize?

Mr. Mbugua: Mr. Speaker, Sir, the said company is in liquidation. It was---

Mr. Speaker: Order! Member for Kamukunji, you said that the company is collecting money. I have asked you---

Mr. Mbugua: Mr. Speaker, Sir, I apologize and withdraw. However, at the same time, in the interest of Kenyans, the company appeared in the *Kenya Gazette* issue of 29th. The *Kenya Gazette* indicated that the company is going to be wound up.

Mr. Speaker: Member for Kamukunji, you have already made the point that the company is being liquidated. You have even given the reference; the *Kenya Gazette* of whatever date. However, that does not help your assertions or contention that the company is collecting money. As things stand now, you do not have that evidence. Respect the House and yourself! Please!

Mr. Mbugua: Mr. Speaker, Sir, I will try and get the evidence.

Mr. Speaker: When will this Statement be available? Again, we say ten days away or two weeks from now. Member for Kamukunji, this thing is about serious business. It is not a *baraza*!

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. A Statement was due to this House from the Ministry of Transport, which I had sought, but I do not see the Minister around. Since next week I will be away, I would request the Statement be brought possibly on 23rd November, 2010.

Mr. Speaker: From which Minister?

Mr. Mbadi: The Minister for Transport.

Mr. Speaker: The Minister was here a little while ago. However, he is not here now. So, is it convenient two weeks away?

Mr. Mbadi: Mr. Speaker, Sir, that is okay.

Mr. Speaker: Very well! It is so directed.

DEMOLITION OF PRISONS DEPARTMENT HOUSE
BY EMBU MUNICIPAL COUNCIL

Mr. Kathuri: On a point of order, Mr. Speaker, Sir. I had also requested for a Ministerial Statement from the Deputy Prime Minister and Minister for Local Government two weeks ago. It was supposed to be delivered last week, but due to time factor, it was deferred to this week. I wonder whether it is ready today, so that I can hear it.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I wish to make the following Statement.

Mr. Speaker: How long will you be?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, it is exactly one page and will take me about three minutes.

Mr. Speaker: Then proceed.

MINISTERIAL STATEMENT

DEMOLITION OF PRISONS DEPARTMENT HOUSE BY EMBU MUNICIPAL COUNCIL

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I confirm to the House that the Municipal Council of Embu demolished a house constructed by the Prisons Department. Her Worship the Mayor of the Municipal Council of Embu allegedly ordered the demolition on her own without the involvement of chief officers. Whereas in this case she acted contrary to Section 96(a) of the Local Government Act, Cap.265, I wish to confirm to the House that the land parcel has not been allocated to any private developer. According to the registered index map, a certified copy of which has been attached herein as Annex 1, the land is unsurveyed. In addition, an inquiry from the District Survey and the District Physical Planning officers has confirmed that the land was unsurveyed and that no development proposals have been made to the council.

Appropriate legal action will be taken against the mayor for contravening Section 96(a) of the Local Government Act, Cap.265. Further, I wish to inform the House that the Divisional Investigations Officer is investigating the matter and a criminal case will be instituted against the Mayor if it is established that she committed a criminal act.

Mr. Kathuri: Mr. Speaker, Sir, while I appreciate the Statement given by the Deputy Prime Minister and Minister for Local Government. I would like to make some clarification. He has said that Her Worship the Mayor is the one who ordered the demolition yet there is the clerk who is supposed to be the official administrator and who can give instructions to the council workers, why would it even require any further investigations? Why would the Criminal Investigations Department (CID) investigate an issue which is already very clear that the Mayor took the law into her hands? What will be the fate of the Government house which was demolished? The Office of the Vice-President and Ministry of Home Affairs had pumped in money and it has not come out clearly as to who will compensate it. How soon is the CID expected to complete the investigations?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, the only area that I can deal with at this point in time is that, that relates to breach of Cap.265. There are sanctions within Cap.265 which relate to an offence or a breach of that Act. When it comes to investigations as to whether there was a criminal act, that is not within my domain and it falls squarely within the other investigative agencies of the Government. As I said, if it is then established, because there has to be concrete evidence, that a criminal offence has been committed, then the proper way will be that thereafter, the person is charged in accordance with the law.

COMMUNICATION FROM THE CHAIR

DEFERMENT OF WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL

Mr. Speaker: Very well! That then must rest the matter!

Hon. Members, I will, pursuant to the provisions of the Standing Orders as previously invoked defer business at Order No.8 because the hon. Member who is the sponsor of the Bill has consultations that have not yet crystallized with the line Ministry. So, both parties are not able to proceed with this business and we will defer it until such time that we are prompted by both parties that they are ready to transact this business.

MOTION

ADOPTION OF REPORT ON ALLEGATIONS OF MISMANAGEMENT AT HARAMBEE SACCO

Mr. Mututho: Mr. Speaker, Sir, I rise to move the debate on the findings of the investigations by the Committee on Agriculture, Livestock and Cooperatives over the alleged mismanagement of Funds and finance at Harambee SACCO Society Limited following your directions on Tuesday, 31st August, 2010, after a debate on a Question raised on this matter in this House.

As we are all aware, on 31st August, the House debated a response by the Attorney-General to a Question raised hon. Ms. Karua, relating to the mismanagement of funds by the Central Management Committee (CMC) of Harambee SACCO Society Limited.

Mr. Speaker: Order, hon. Mututho! Please, resume your seat for a moment. You have done this many times and you still appear to have lost the knack for it. You first have to move your Motion.

Mr. Mututho: Mr. Speaker, Sir, I stand corrected. However, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the inquiry into allegations of mismanagement at the Harambee SACCO Society Limited laid on the Table of the House on Tuesday, 4th November, 2010.

On 31st August, 2010, you directed that we move with speed and investigate all matters touching on this Harambee SACCO Society Limited. In doing so, we called several witnesses. You allowed a timeframe of three weeks, but because of the Pan-African Parliament meeting, we extended the period with two weeks. Within that timeframe, we called the following witnesses: We opened by calling Ms. Karua, several whistle blowers who were complaints and the CID team headed by the Director of CID himself, Mr. Muhoro. We called the Kenya Anti-Corruption Commission (KACC) twice headed by the Director himself, who came and made his presentation to the Committee. We also called the Attorney-General, Gina Din Communications SACCO Limited, the

Harambee SACCO management, the Minister and his officials with regard to all the matters that had affected them.

Mr. Temporary Deputy Speaker, Sir, the Committee first heard the nature of complaints made by some members of the Harambee SACCO, who presented information relating to cases of mismanagement. Thereafter the Committee moved by the need to get evidence met with Harambee SACCO management, investigating and prosecuting agencies and oversight Ministry of Co-operative Development and Marketing.

Mr. Temporary Deputy Speaker, Sir, from the evidence presented to the Committee, we are of the opinion that the allegations were perennial. Allegations against mismanagement in Harambee SACCO are as old as the Harambee SACCO itself. As I will point out later on, they have had at least not less than five commissions investigating this particular society at various times. As we sit here, records on some of those investigations between 1968 and 2003 are not known where they could have been kept.

Mr. Temporary Deputy Speaker, Sir, subsequently, the Attorney-general was handicapped in proceeding with prosecutions against the would be culprits because of the following: For you to prosecute, you need evidence. Evidence is allegedly to have been taken away by the police. The Committee called for all the evidence that was held by the police, KACC and also by the defunct Kenya Anti Corruption Police Unit. What came was a shock to the Committee. I must say the whistle blowers were very kind to us. There are several allegations that the police took the evidence, but they denied doing so. The KACC and The Ministry of Co-operative Development and Marketing also denied taking the crucial documents. It seems that we were taken round in circles.

Mr. Temporary Deputy Speaker, Sir, I want to state that the allegations against Harambee SACCO CMC are grave. For those of you who have a copy of the report, I would like you to peruse through as I read the long menu of the allegations against Harambee SACCO. These involve, to our own estimates, over Kshs1.2 billion. But looking at it like this, one forms a very quick opinion that this matter can be brought to a halt. This matter can be investigated and I will deal with that later on in the report. This matter can be easily concluded if we follow certain guidelines.

Mr. Temporary Deputy Speaker, Sir, it is very wrong that the most powerful and the best SACCO we have in this country has been mismanaged this far to an extent that we are now having a menu of 31 allegations against these people. Some of the allegations involve double encashment of cheques. We found it interesting that the whistle blowers themselves have made complaints against KACC. They think KACC is compromised. They have made allegations against Director of CID. They think that he is compromised. They made allegations against their own auditors. They think they have been compromised. They made allegations against the Minister for Co-operative Development and Marketing. They thought he has been compromised. They made allegations against each and everybody who tackled the Harambee SACCO matter. It was very interesting that although we are talking of Kshs1.2 billion embezzlement the auditors do not reflect that kind of loss in their books. They are able to balance the books. As we stand, the liquidity of Harambee SACCO is at Kshs3.5 billion. That is if we are to settle all their debts at once and in one stroke, then we will have a situation where they have Kshs3.5 billion as residue or take home for them. So, it is not about to collapse.

Mr. Temporary Deputy Speaker, Sir, I would urge for patience by Members so that I can go through the long list of allegations, so that they can appreciate the difficulties this Committee faced.

1. There were allegations against CMC that they concealed or destroyed vital files required for an inquiry by the Anti Banking Fraud Unit.

2. They irregularly paid honoraria amounting to Kshs8.8 million to Mwaliko Commission of Inquiry who were investigating corruption allegation at the SACCO without approval of the annual delegates meeting (ADM).

3. They have failed to implement both KACC Report of 2004 and Mwaliko Report of 2002.

4. That they unfairly disciplined staff who raised or whistle blew cases of corruption by either sacking them or transferring them outside Nairobi.

5. That they fraudulently purchased shares worth Kshs19.95 million without the ADM's approval as required by the Societies by-laws from a company by the name of Gina Din Communications SACCO limited, which is closely associated with hon. J. Nyagah, MP against the advice of finance staff of the Harambee SACCO.

6. They paid the Minister for Co-operative Development and Marketing, hon. Nyagah Kshs200,000 as protection fees on weekly basis.

7. That CMC irregularly advanced themselves loans amounting to Kshs724,068,864 against sitting and travelling allowances contravening spirit of corporate law.

8. They colluded with Nos. 1, 2 and 3, to fraudulently transfer cash to non-existent cashier No.8 Steve Munga, amounting to Kshs300 million.

9. That they fraudulently double engrossed cheques, encashed cheques at FOSA totalling an amount of Kshs121 million.

10. They irregularly used contingency monies which remained unaccounted for since 2006 in contravention to the law on interest.

11. That the SACCO directors were interdicted by court in January, 2005 and remained in office.

12. That CMC issued death threats to members and staff of the SACCO who raised alarm on corruption at the SACCO.

13. The current CMC directors have served since 2002 in contravention to society by-laws which provide for a limit of two terms.

14. That CMC failed to step aside during corruption investigation undertaken by the CID between 4th June, 2009 and 21st October, 2009 as required by law.

15. That CMC members allocated themselves large sums of IOUs amounting to Kshs700 million and Kshs67 million, respectively.

16. That the CMC members Charles Gani and Chairman Macdonald Malonza were accused of grabbing Land Plot No.1098, title deed No. 4324 at Harambee field estate.

17. The audited accounts of 2005 failed to explain various expenses—

QUORUM

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):
On a point of order, Mr. Temporary Deputy Speaker, Sir. The matter before us is so

important, but it looks like we have no quorum. I think it is important that a matter of this magnitude should have the requisite numbers.

The Temporary Deputy Speaker (Mr. Imanyara): You are right, Mr. Deputy Prime Minister. We do not have a quorum in the House. So, I direct that the Division Bell be rung to see whether we can raise the necessary quorum.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order, Hon. Members! It is quite clear that we are not able to raise the necessary quorum. So, Mr. Mututho, you will have your 45 minutes next Tuesday when we next resume. For the time being, the House stands adjourned for lack of Quorum until Tuesday, 16th November, 2010 at 2.30 p.m.

The House rose at 5.00 p.m.